

APPENDIX E

AIRPORT ZONING

Sec. 1. Short title.

This ordinance shall be known and may be cited as the "Airport Zoning Ordinance."
(Ord. No. 965, § 1, 7-24-96)

Sec. 2. Definitions.

As used in this ordinance, unless the context otherwise requires:

- a. *Airport*: Mt. Pleasant Municipal Airport.
- b. *Airport elevation*: The highest point of an airport's usable landing area measured in feet from sea level.
- c. *Approach surface*: A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in section 4 of this ordinance. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone.
- d. *Approach, transitional, horizontal, and conical zones*: These zones are set forth in section 3 of this ordinance.
- e. *Board of adjustment*: A board consisting of five (5) members as provided in section 10 herein.
- f. *Conical surface*: A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of four thousand (4,000) feet.
- g. *Hazard to air navigation*: An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

h. *Height*: For the purpose of determining the height limits in all zones set forth in this ordinance and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

i. *Heliport primary surface*: An area of the primary surface coinciding in size and shape with the designated takeoff and landing area of a heliport. This surface is a horizontal plane at the elevation of the established heliport elevation.

j. *Horizontal surface*: A horizontal plane one hundred fifty (150) feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

k. *Larger than utility runway*: A runway that is constructed for and intended to be used by propeller driven aircraft of greater than twelve thousand five hundred (12,500) pounds maximum gross weight and jet powered aircraft.

l. *Nonconforming use*: Any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this ordinance or an amendment thereto.

m. *Nonprecision instrument runway*: A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned.

n. *Obstruction*: Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in section 4 of this ordinance.

o. *Person*: An individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.

p. *Precision instrument runway*: A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means

a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

q. *Primary surface*: A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends two hundred (200) feet beyond each end of that runway; for military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in section 3 of this ordinance. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

r. *Runway*: A defined area on an airport prepared for landing and take-off of an aircraft along its length.

s. *Structure*: An object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formation, and overhead transmission lines.

t. *Transitional surfaces*: These surfaces extend outward at ninety (90) degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of five thousand (5,000) feet measured horizontally from the edge of the approach surface and at ninety (90) degree angles to the extended runway centerline.

u. *Tree*: Any object of natural growth.

v. *Utility runway*: A runway that is constructed for and intended to be used by propeller driven aircraft of twelve thousand five hundred (12,500) pounds maximum gross weight and less.

w. *Visual runway*: A runway intended solely for the operation of aircraft using visual approach procedures.
(Ord. No. 965, § 2, 7-24-96)

Sec. 3. Airport zones.

In order to carry out the provisions of this ordinance, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the Mt. Pleasant Municipal Airport. Such zones are shown on the Mt. Pleasant Municipal Airport Zoning map, which is attached to this ordinance and made a part hereof. An area located in more than one (1) of the following zones is considered to be only in the one with the more restrictive height limitation. The various zones are hereby established and defined as follows:

- a. *Utility runway nonprecision instrument approach zone:* The inner edge of this approach zone coincides with the width of the primary surface and is five hundred (500) feet wide. The approach zone expands outward uniformly to a width of two thousand (2,000) feet at a horizontal distance five thousand (5,000) feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
 - b. *Transitional zones:* The transitional zones are the areas beneath the transitional surfaces.
 - c. *Horizontal zone:* The horizontal zone is established by swinging arcs of five thousand (5,000) feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.
 - d. *Conical zone:* The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of four thousand (4,000) feet.
- Ord. No. 965, § 3, 7-24-96)

Sec. 4. Airport zone height limitations.

Except as otherwise provided in this ordinance, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this ordinance to a height

in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

- a. *Utility runway nonprecision instrument approach zone:* Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of five thousand (5,000) feet along the extended runway centerline.
- b. *Transitional zones:* Slope seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of one hundred fifty (150) feet above the airport elevation which is seven hundred thirty-four (734) feet above mean sea level. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending a horizontal distance of five thousand (5,000) feet measured at ninety (90) degree angles to the extended runway centerline.
- c. *Horizontal zone:* Established at one hundred fifty (150) feet above the airport elevation or at a height of eight hundred eighty-four (884) feet above mean sea level.
- d. *Conical zone:* Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal zone and at one hundred fifty (150) feet above the airport elevation and extending to a height of three hundred fifty (350) feet above the airport elevation.
- e. *Excepted height limitations:* Nothing in this ordinance shall be construed as prohibiting the construction or maintenance of any structure or growth of any tree to a height up to fifty (50) feet above the surface of the land.

Sec. 5. Use restrictions.

Notwithstanding any other provisions of this ordinance, no use may be made of land or water within any zone established by this ordinance in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

(Ord. No. 965, § 5, 7-24-96)

Sec. 6. Nonconforming uses.

a. *Regulations not retroactive:* The regulations prescribed by this ordinance shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this ordinance, or otherwise interfere with the continuance of nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this ordinance, and is diligently prosecuted.

b. *Marking and lighting:* Notwithstanding the preceding provision of this section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the airport zoning administrative officer to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of the City of Mt. Pleasant, Iowa.

(Ord. No. 965, § 6, 7-24-96)

Sec. 7. Permits.

a. *Future uses:* Except as specifically provided in 1, 2, and 3 hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established and no tree

shall be planted in any zone hereby created unless a permit therefor shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this ordinance shall be granted unless a variance has been approved in accordance with section 7(d).

1. In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.
2. In areas lying within the limits of the approach zones, but at a horizontal distance of not less than four thousand two hundred (4,200) feet from each end of the runway, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such approach zones.
3. In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for such transition zones.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess of any of the height limits established by this ordinance except as set forth in section 4.

b. *Existing uses.* No permit shall be granted that would allow the establishment or creation of an obstruction or permit a

MOUNT PLEASANT CODE

a conforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this ordinance or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.

c. *Nonconforming uses abandoned or destroyed:* Whenever the airport zoning administrative officer determines that a nonconforming tree or structure has been abandoned or more than eighty (80) percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

d. *Variances:* Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this ordinance, may apply to the board of adjustment for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief granted, will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this ordinance. Additionally, no application for variance to the requirements of this ordinance may be considered by the board of adjustment unless a copy of the application has been furnished to the airport manager and the airport zoning administrative officer for advice as to the aeronautical effects of the variance. If the airport manager and the airport zoning administrative officer do not respond to the application within fifteen (15) days after receipt, the board of adjustment may act on its own to grant or deny said application.

e. *Obstruction marking and lighting:* Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this ordinance and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree

in question to install, operate and maintain, at the owner's expense, such markings and lights as may be necessary. If deemed proper by the board of adjustment, this condition may be modified to require the owner to permit the City of Mt. Pleasant, Iowa, at its own expense, to install, operate, and maintain the necessary markings and lights.

(Ord. No. 965, § 7, 7-24-96)

Sec. 8. Enforcement.

a. The City of Mt. Pleasant shall provide for the administration and enforcement of the regulations prescribed by this ordinance. All costs pertaining to the administration and enforcement of this ordinance shall be borne by the City of Mt. Pleasant.

b. The airport zoning administrative officer shall be appointed by majority vote of the city council for the City of Mt. Pleasant, and it shall be the duty of such airport zoning administrative officer to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the airport zoning administrative officer upon a form published for that purpose, and shall be promptly considered and granted or denied. Application for action by the board of adjustment shall be forthwith transmitted by the airport zoning administrative officer.

c. The City of Mt. Pleasant shall, through the city attorney or other attorney retained by the City of Mt. Pleasant, provide for legal counsel as may be necessary for the administration and enforcement of this ordinance, including but not limited to the prosecution of criminal violations charged under section 13.

(Ord. No. 965, § 8, 7-24-96)

Sec. 9. Airport zoning commission.

An airport zoning commission shall be provided as follows: The airport zoning commission shall consist of five (5) members, two (2) of whom shall be appointed by the board of supervisors of Henry County, Iowa, and two (2) of whom shall be selected by the city council of the City of Mt. Pleasant, Iowa, and one (1) additional member to act as chairman, who shall be selected by a majority vote of the members selected by the board of supervisors

and the city council. The terms of such members shall be as provided in Section 329.9 of the Iowa Code. As required by Section 329.9 of the Iowa Code, such airport zoning commission shall follow the procedures provided in Sections 414.4 and 414.6 of the Iowa Code.

(Ord. No. 965, § 9, 7-24-96)

Sec. 10. Board of adjustment.

a. There is hereby created a board of adjustment to have and exercise the following powers: (1) to hear and decide appeals from any order, requirement, decision, or determination made by the airport zoning administrative officer in the enforcement of this ordinance; (2) to hear and decide special exceptions to the terms of this ordinance upon which such board of adjustment under such regulations may be required to pass; and (3) to hear and decide specific variances.

b. The board of adjustment shall consist of five (5) members, two (2) of whom shall be appointed by the board of supervisors of Henry County, Iowa, and two (2) of whom shall be appointed by the city council of Mt. Pleasant, Iowa, and one (1) additional member to act as chairman who shall be selected by a majority vote of the members selected by the board of supervisors and city council. The terms of such members shall be as provided in Section 329.12 of the Iowa Code. Such board shall have the powers and duties, and shall follow the procedures, provided by Sections 329.11 and 329.12 of the Iowa Code.

c. The board of adjustment shall adopt rules for its governance and in harmony with the provisions of this ordinance. Meetings of the board of adjustment shall be held at the call of the chairperson and at such other times as the board of adjustment may determine. The chairperson, or in the absence of the chairperson, the acting chairperson may administer oaths and compel the attendance of witnesses. All hearings of the board of adjustment shall be public. The board of adjustment shall keep minutes of its proceedings showing the vote of each member upon each question; or if absent or failing to vote, indicating such fact, and shall

keep records of its examinations and other official actions, all of which shall immediately be filed in the office of city clerk of the City of Mt. Pleasant, Iowa, and on due cause shown.

d. The board of adjustment shall make written findings of facts and conclusions of law giving the facts upon which it acted and its legal conclusions from such facts in reversing, affirming, or modifying any order, requirement, decision, or determination which comes before it under the provisions of this ordinance.

e. The concurring vote of a majority of the members of the board of adjustment shall be sufficient to reverse any order, requirement, decision, or determination of the airport zoning administrative officer or decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, or to effect variance to this ordinance.

(Ord. No. 965, § 10, 7-24-96)

Sec. 11. Appeals.

a. Any person aggrieved, or any taxpayer affected, by any decision of the airport zoning administrative officer made in the administration of the ordinance, may appeal to the board of adjustment.

b. All appeals hereunder must be taken within a reasonable time as provided by the rules of the board of adjustment, or by any other applicable law, filing with the airport zoning administrative officer a notice of appeal specifying the grounds thereof. The city administrator shall forthwith transmit to the board of adjustment all the papers constituting the record upon which the action appealed from was taken.

c. An appeal shall stay all proceedings in furtherance of the action appealed from unless the airport zoning administrative officer certifies to the board of adjustment, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would in the opinion of airport zoning administrative officer cause imminent peril to life or property. In such case, proceedings shall not be stayed except by the order of the board of adjustment on notice to the airport zoning administrative officer and on due cause shown.

d. The board of adjustment shall fix a reasonable time for hearing appeals, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.

e. The board of adjustment may, in conformity with the provisions of this ordinance, reverse or affirm, in whole or in part, or modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as may be appropriate under the circumstances.
(Ord. No. 965, § 11, 7-24-96)

Sec. 12. Judicial review.

Any person aggrieved, or any taxpayer affected, by any decision of the board of adjustment, may appeal to the court of competent jurisdiction, within the State of Iowa.
(Ord. No. 965, § 12, 7-24-96)

Sec. 13. Penalties.

Each violation of this ordinance or of any regulation, order, or ruling promulgated hereunder shall constitute a simple misdemeanor and shall be punishable by a fine of not more than one hundred dollars (\$100.00) or imprisonment for not more than thirty (30) days; and each day a violation continues to exist shall constitute a separate offense.
(Ord. No. 965, § 13, 7-24-96)

Sec. 14. Conflicting regulations.

Where there exists a conflict between any of the regulations or limitations prescribed in this ordinance and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, and the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.
(Ord. No. 965, § 14, 7-24-96)

Sec. 15. Severability.

If any of the provisions of this ordinance or the application thereof to any person or circumstances are held invalid, such invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are declared to be severable.

(Ord. No. 965, § 15, 7-24-96)

Sec. 16. Effective date.

This ordinance shall be in effect after its final passage, approval and publication as provided by law, by the City of Mt. Pleasant, Iowa, and the board of supervisors of Henry County, Iowa.

(Ord. No. 965, § 16, 7-24-96)

Sec. 17. Amendment and repeal.

No amendment to this ordinance shall be effective unless passed and approved by both the city council for the City of Mt. Pleasant, Iowa, and the board of supervisors for Henry County, Iowa. This ordinance shall no longer be deemed valid if after its effective date the ordinance is repealed by action taken by either the city council for the City of Mt. Pleasant, Iowa or the board of supervisors for Henry County, Iowa.

(Ord. No. 965, § 17, 7-24-96)

Sec. 18. Exemptions.

This ordinance is enacted pursuant to the special zoning powers granted to municipalities to regulate airport hazard areas under Iowa Code Chapter 329 which does not contain a requirement for a farm exemption. Accordingly, the farm exemptions set forth in Iowa Code Section 335.2 and Article II, Section 1 of the Henry County Zoning Ordinance, do not apply to this ordinance.

(Ord. No. 965, § 18, 7-24-96)

